IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.555 of 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Shri R.S. Kurekar, Counsel for Petitioners.

Coram : R.C. Chavan, J.
Dated : 16th March, 2007

By this petition, the defendant in Regular Civil Suit No. 90 of 2004 before the learned Civil Judge, Junior Division, Katol, takes exception to the order passed by the learned Trial Judge allowing the plaintiff to amend the plaint for seeking possession of an additional portion, which the plaintiff alleged to have been encroached upon by the petitioner-defendant on 23-9-2004 during the pendency of the suit.

If an encroachment had taken place during the pendency of the suit and if the plaintiff wanted to take possession of the said portion, it could not be said that the learned Trial Judge acted illegally, requiring invocation of jurisdiction of this Court.

The petitioner would be at liberty to raise appropriate defences by amending his written statement, which the learned Trial Judge would allow.

In view of this, the petition is dismissed.

Judge **Judge**

Pdl.